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C O N F I D E N T I A L ANKARA 002190

SIPDIS

E.O. 12958: DECL: 04/18/2015

TAGS: [PREL](#) [CY](#) [TU](#)

SUBJECT: TURKISH MFA ON ECHR ACCEPTANCE OF XENIDES-ARESTIS CASE

(U) Classified by Political Counselor John Kunstadter, E.O. 12958, reasons 1.4 (b) and (d).

1. (C) Turkish MFA Northeast Mediterranean Affairs Acting DDG Bilman told us MFA and legal experts met in the wake of the ECHR's April 6 decision to admit the Xenides-Arestis v. Turkey Cyprus property case. Bilman maintained the ECHR had not questioned the legality of the "TRNC" compensation scheme, only its effectiveness.

2. (C) When we pointed out the Court's emphasis on the failure of the "TRNC" scheme to allow restitution of property, Bilman told us the MFA is considering whether there could be "partial restitution" (NFI) of property. Bilman also argued that the Court "left open" the possibility of compensation in lieu of restitution under certain circumstances. Apparently the MFA believes that a scheme providing for restitution but with exceptions recognized in international law might be acceptable to the ECHR.

3. (C) Bilman said that Turkey may still appeal the admissibility ruling to the ECHR Grand Chamber. Aside from Turkish media spinning the decision as positive for its "recognition" of the "TRNC" scheme, we have not yet detected any immediate fallout to the ECHR admissibility decision here. However, Bilman emphasized that FM Gul remains focused on the property case issue, and has requested an briefing on the subject this week.

4. (C) Comment: We leave it to L and others to analyze the ECHR ruling in depth. Our first reading suggests the Turks are being overly optimistic about the "TRNC's" ability to cope with this ruling -- particularly if, as we suspect, the Turks' primary goal is to avoid the good-faith restitution of property required by the Court. End Comment  
EDELMAN